

Message

From: Groy, Jeff [Jeff.Groy@cbs.com]
Sent: 12/19/2014 7:10:58 PM
To: Lieben, Ivan [Lieben.Ivan@epa.gov]
Subject: Emeryville Site - TSCA Consent Agreement and Final Order

Ivan -

Thank you for speaking with me this week. I hope your move was successful and that you are getting a chance to unpack.

I have reviewed the Mound Parcel Consent Agreement and Final Order and you are correct. There is no language in the CAFO that pertains to the document running with the land or applying to or is binding on subsequent landowners.

In addition, I note in Section VII that the "obligations of Respondent under this Consent Agreement and Order will cease upon completion of the implementation of the remedial plans and the post-cleanup PCB monitoring program provided for herein." We believe that the obligations under the CAFO are complete or are superseded by the work we will be undertaking in several months under the RDIP. Specifically, the remedial plans under the CAFO are finished. In addition, the long-term monitoring that was established by the CAFO is done (and a new long-term monitoring program will be established as part of the upcoming work under the RDIP, which EPA has approved). Therefore, we believe that any obligations CBS had under the CAFO will cease once we commence the work under RDIP. So, we respectfully request that EPA terminate the CAFO. Please let me know what I can do to make this happen. Thank you.

Jeff

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